

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DE SHAWN DRUMGO,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 14-1135-CFC
SGT. WILLIAM KUSCHEL,)	
)	
Defendant.)	

**STIPULATION AND [PROPOSED] ORDER
TO STAY PROCEEDINGS TO ENFORCE JUDGMENT**

WHEREAS, on December 16, 2021, the Court entered a final judgment in the above-captioned matter in favor of Plaintiff De Shawn Drumgo (“Plaintiff”) and against Defendant William Kuschel (“Defendant”) in the amount of \$500,001 (the “Judgment”) (D.I. 213); and

WHEREAS, on January 13, 2022, Defendant filed a Renewed Motion for Judgment as a Matter of Law and Motion to Alter or Amend Judgment or, in the Alternative, Motion for a New Trial (the “Post-Trial Motion”) (D.I. 217); and

WHEREAS, on January 18, 2022, Defendant filed a Motion to Stay Judgment (the “Motion to Stay”) (D.I. 219); and

WHEREAS, the Motion to Stay represents that the State of Delaware has agreed to indemnify Defendant. (D.I. 219 ¶ 7).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED

by and between Plaintiff and Defendant, through their undersigned counsel, and subject to the approval of the Court, as follows:

1. Execution of the Judgment (D.I. 213) is stayed as to all parties pursuant to Fed. R. Civ. P. 62(b) pending resolution of post-trial motions and until further Order of the Court.
2. The parties shall confer following the Court's ruling on post-trial motions to determine whether to maintain the stay or whether further motion practice is necessary.
3. Absent further order of the Court, the stay on execution shall immediately end upon the earlier of: (i) the expiration of the time for appeal, if no appeal is filed; or (ii) the final disposition of any timely appeal, as evidenced by the issuance of a mandate by the United States Court of Appeals for the Third Circuit.
4. Any amounts paid by or on behalf of Defendant to Plaintiff in connection with this matter, whether in satisfaction of a judgment, settlement or otherwise, will be made payable to McCarter & English, LLP, counsel for Plaintiff.

5. Upon approval by the Court, this Stipulation will be a Court order that both Plaintiff and Defendant are bound by, and may not be modified by the parties without further order of this Court.

Dated: February 8, 2022

/s/ Daniel M. Silver

Daniel M. Silver (No. 4758)
Angela C. Whitesell (No. 5547)
Shannon D. Humiston (No. 5740)
Alexandra M. Joyce (No. 6423)
McCARTER & ENGLISH, LLP
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801
(302) 984-6300
dsilver@mccarter.com
awhitesell@mccarter.com
shumiston@mccarter.com
ajoyce@mccarter.com

Attorneys for Plaintiff

/s/ Zi-Xiang Shen

Zi-Xiang Shen (No. 6072)
Kenneth L. Wan (No. 5667)
Deputy Attorneys General
Carvel State Office Building
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302) 577-8400
Zi-Xiang.Shen@delaware.gov
Kenneth.Wan@delaware.gov

Attorneys for Defendant

SO ORDERED, this _____ day of _____, 2022.

United States District Court Chief Judge